

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**WANKE CASCADE DISTRIBUTION  
LTD.**, an Oregon corporation,

Plaintiff,

v.

**FORBO FLOORING, INC.**, a Delaware  
corporation,

Defendant.

Case No. 3:13-cv-768-AC

ORDER ON  
OBJECTIONS TO EXHIBITS

ACOSTA, Magistrate Judge:

This order resolves the respective objections of plaintiff Wanke Cascade Distribution Ltd. (“Wanke”) and defendant Forbo Flooring, Inc. (“Forbo”) to each other’s exhibits. The court has also issued a separate order (ECF No. 196) containing its rulings on the parties’ respective motions in limine. In the event of a conflict between this order and the court’s ruling on the parties’ motions

in limine, the court's motion in limine rulings control.

**Joint Exhibits**

**I. Admitted without Objection:**

Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27A, 27B, 28, 29, 30A, 30B, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79A, 79B, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109A, 109B, 110A, 110B, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126.

**Wanke's Exhibits**

**I. Admitted without Objection:**

Exhibits 209, 210, 211 (pages 1-5 only), 213, 215, 216, 217, 218, 220, 221, 222, 224, 225, 226, 231, and 232.

**II. Admitted over Objection:**

Exhibits 201, 204, 208, 219, 223, 228, 230, 233, 234, 235, 237, 238, 241.

**III. Excluded:**

Exhibits 202, 203, 205, 206, 207, 211 (pages 6-19 only), 212, 214, 227.

**IV. Ruling Deferred until Trial:**

Exhibits 236, 239, 240.

**V. Withdrawn:**

Exhibit 229.

## **Forbo's Exhibits**

### **I. Admitted without Objection:**

Exhibits 406, 407, 417, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 474, 476, 477, 478, 479, 487, 488, 493, 495, 501, 502, 503, 504, 509, 510, 512, 514, 530, 544, 546, 553, 554, 562, 563, 566, 584, 586, 588, 592, 593, 594, 595, 596, 597, 598, 599, 642, 643, and 645.

### **II. Admitted over Objection:**

Exhibits 403, 416, 582, 583, 585, 587, 589.

### **III. Excluded:**

Exhibits 401, 402, 404, 405, 408, 409, 410, 411, 412, 413, 414, 415, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 505, 506, 507, 520, 521, 522, 523, 524, 534, 535, 540, 550, 551, 552, 555, 556, 558, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 590, 591, 600, 601, 602, 603, 604, 605, 606, 607, 608, 610, 611, 613, 614, 615, 616, 623, 627, 656, 657, 658.

### **IV. Ruling Deferred until Trial:**

Exhibits 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 475, 480, 481, 482, 483, 484, 485, 486, 489, 490, 491, 492, 494, 496, 497, 498, 499, 500, 508, 511, 513, 515, 516, 517, 518, 519, 525, 526, 527, 528, 529, 531, 532, 533, 536, 537, 538, 539, 541, 542, 543, 545, 547, 548, 549, 557, 559, 560, 561, 564, 565, 609, 612, 615, 617, 618, 619, 620, 621, 622, 624, 625, 626, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 644, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.

### **V. Withdrawn:**

None.

**Notes**

**I. Forbo Exhibits – 1993-2011 Forbo-Wanke Relationship.**

Cumulative exhibits will not be admitted. Counsel is advised to reduce the exhibits in this category to those they will actually offer at trial.

**II. Forbo Exhibits – Termination Notice.**

Forbo may use Exhibits 505, 506, and 507 as impeachment exhibits only.

**III. Forbo Exhibits – Depositions.**

Deposition excerpts are not to be marked as exhibits but may be used for impeachment purposes.

IT IS SO ORDERED.

DATED this 4<sup>th</sup> day of May, 2017.

/s/ John V. Acosta  
JOHN V. ACOSTA  
United States Magistrate Judge